



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,121	08/11/2006	Angelo Michael Turco	750638.00007	5758

26710 7590 08/13/2008  
QUARLES & BRADY LLP  
411 E. WISCONSIN AVENUE  
SUITE 2040  
MILWAUKEE, WI 53202-4497

EXAMINER
----------

HIJAZ, OMAR F

ART UNIT	PAPER NUMBER
----------	--------------

4165

MAIL DATE	DELIVERY MODE
-----------	---------------

08/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,121	<b>Applicant(s)</b> TURCO, ANGELO MICHAEL	
	<b>Examiner</b> OMAR HIJAZ	<b>Art Unit</b> 4165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/11/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-10 as originally filed are pending and have been considered below.

#### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: at line 2, the recitation "the edges" lacks antecedent basis and should be replaced with --edges--. In addition, in line 4, the recitation "an elongate support member" should be replaced with -a first elongate support member-- for clarity purposes with respect to the recitation "another elongate support member" later mentioned in claim 7. In addition, at line 11, the recitation "the space" lacks antecedent basis and should be replaced with --a space--. Appropriate correction is required.
2. Claim 5 is objected to because of the following informalities: at line 1, the recitation "the gasket" lacks antecedent basis and should be replaced with --the elongate gasket--. Appropriate correction is required.
3. Claim 6 is objected to because of the following informalities: at lines 1-2, the recitation "the web is substantially centrally disposed" is unclear. In addition, at line 4, the recitation "the support member" lacks antecedent basis. Appropriate correction is required.
4. Claim 7 is objected to because of the following informalities: at line 1, the recitation "another elongate support member" should be replaced with --a second elongate support member-- for clarity purposes with respect to the recitation of "an elongate support member" previously mentioned in claim 1. Appropriate correction is

required for further references to "another elongate support member" in this claim. In addition, at lines 7, 8, and 9, the recitations "the elongate support member defined in claim 1", "the elongate support members", and "the elongate surface member defined in claim 1", respectively, should be replaced with "the first elongate support member(s)" for clarity. Appropriate correction is required.

5. Claim 8 is objected to because of the following informalities: at line 13, the recitation "the space" lacks antecedent basis and should be replaced with --a space--.

6. In claims 2-7, at line 1, the recitation "A jointing system" should be replaced with -The jointing system--.

7. In claims 9-10, at line 1, the recitation "A method of fastening" should be replaced with --The method of fastening--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 4, 6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paz et al (U.S. Patent No. 6,430,883) in view of Bartlett et al (U.S. Patent No. 4,506,484).

As per claim 1, Paz et al discloses a jointing system for supporting a plurality of cladding panels relative to a building or building frame (a wall system adapted to mount

panels; col. 1, lines 47-48; it is further construed that the panels will be mounted relative to a building or building frame), the panels (23) having slots along the edges thereof (as illustrated in a modified drawing in page 8 of this Office Action, hereafter "figure 14A", the panels comprise slots for receiving the channel flanges 58), the jointing system including: a first elongate support member substantially H-shaped in cross section (as illustrated in figure 14A, the panel support member is generally H-shaped) and having a longer inner flange (as illustrated in figure 14A, the inner flange 41 is longer) for fastening to the building or building frame (as illustrated in figure 14A, the longer inner flange contains screw fasteners 70 for securement to the building structure), the inner flange (41) being connected by a web to a shorter outer flange (as illustrated in figure 14A, a shorter outer flange 58 is connected to longer inner flange 41, and both members are a part of the same web structure) to form an elongate recess on each side of the web for receiving sealing means therein (as illustrated in figure 14A a recess exists between the inner and outer flanges, whereby sealing means may be utilized); whereby when a cladding panel (23) is supported relative to the building or building frame by the jointing system (as illustrated in figure 14A, a panel 23 is connected to the wall system), the outer flange is received in the slot along the edge of the cladding panel (as illustrated in figure 14A, the outer flange receives the panel slots).

Paz et al fails to disclose sealing means which cooperate with the panel to substantially seal a space behind the cladding panel against the ingress of moisture.

Bartlett et al discloses a panel wall assembly (abstract) with sealing means (elongated gaskets 28 between the panels 10 and the flanges 20 and 22; figures 3, 4).

Therefore from the teaching of Bartlett et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of Paz et al to include sealing means as taught by Bartlett et al in order to protect the panel edges from the weather (col. 3, lines 38-39).

As per claim 4, Paz et al fails to disclose the sealing means is an elongate gasket located in each recess.

Bartlett et al discloses a panel wall assembly (abstract) with elongated gaskets (28) in a recess between the panels (10) and the flanges (20 and 22) as illustrated in figure 4.

Therefore from the teaching of Bartlett et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of Paz et al to include an elongated gasket in a recess between the panels and flanges as taught by Bartlett et al in order to protect the panel edges from the weather (col. 3, lines 38-39).

As per claim 6, Paz et al discloses the web is substantially centrally disposed (as illustrated in figure 14A, the H-shaped web member is centered) and the longer inner flange extends at each side thereof beyond the ends of the shorter outer flange (as illustrated in figure 14A, the longer inner flange extends beyond the limits of the shorter outer flange) sufficiently to allow screws to be fixed therethrough for fastening the support member to the building or building frame (as depicted the longer inner flange contains screw fasteners 70 for securement to the building structure; figure 14A).

As per claim 8, Paz et al discloses a method of fastening a plurality of cladding panels relative to a building or building frame (a method of mounting a panel on a panel mounting system; col. 9, lines 24-25; it is further construed that the panels will be mounted relative to a building or building frame), the panels (23) having slots along the edges thereof (as illustrated in figure 14A, the panels comprise slots for receiving the flanges 58), the method including: fastening to the building or building frame a jointing system, the jointing system having an elongate support member substantially H-shaped in cross section (as illustrated in figure 14A, the panel support member is generally H-shaped) and having a longer inner flange (as illustrated in figure 14A, a longer inner flange is utilized) for fastening to the building or building frame (as illustrated in figure 14A, the longer inner flange contains screw fasteners 70 for securement to the building structure), the inner flange (41) being connected by a web to a shorter outer flange (as illustrated in figure 14A, the shorter outer flange 58 is connected to longer inner flange 41 and both members are a part of the same web structure) to form an elongate recess on each side of the web for receiving sealing means therein (as illustrated in figure 14A, a recess exists between the inner and outer flanges, whereby sealing means may be utilized); and supporting a cladding panel (23) relative to the building or building frame with the outer flange (58) of the support member received in the slot along the edge of the cladding panel (as illustrated in figure 14A, the outer flange receives the panel slots).

Paz et al fails to disclose the sealing means cooperate with the panel to substantially seal a space behind the cladding panel against the ingress of moisture.

Bartlett et al discloses a panel wall assembly (abstract) with sealing means (elongated gaskets 28 between the panels 10 and the flanges 20 and 22; figures 3, 4).

Therefore from the teaching of Bartlett et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of Paz et al to include sealing means as taught by Bartlett et al in order to protect the panel edges from the weather (col. 3, lines 38-39).

As per claim 9, Paz et al fails to disclose the sealing means is an elongate gasket pre-located in each recess.

Bartlett et al discloses a panel wall assembly (abstract) with elongated gaskets 28 in a recess between the panels 10 and the flanges 20 and 22 (figure 4).

Therefore from the teaching of Bartlett et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of Paz et al to include an elongated gasket in a recess between the panels and flanges as taught by Bartlett et al in order to protect the panel edges from the weather (col. 3, lines 38-39).

As per claim 10, Paz et al fails to disclose sealing means.

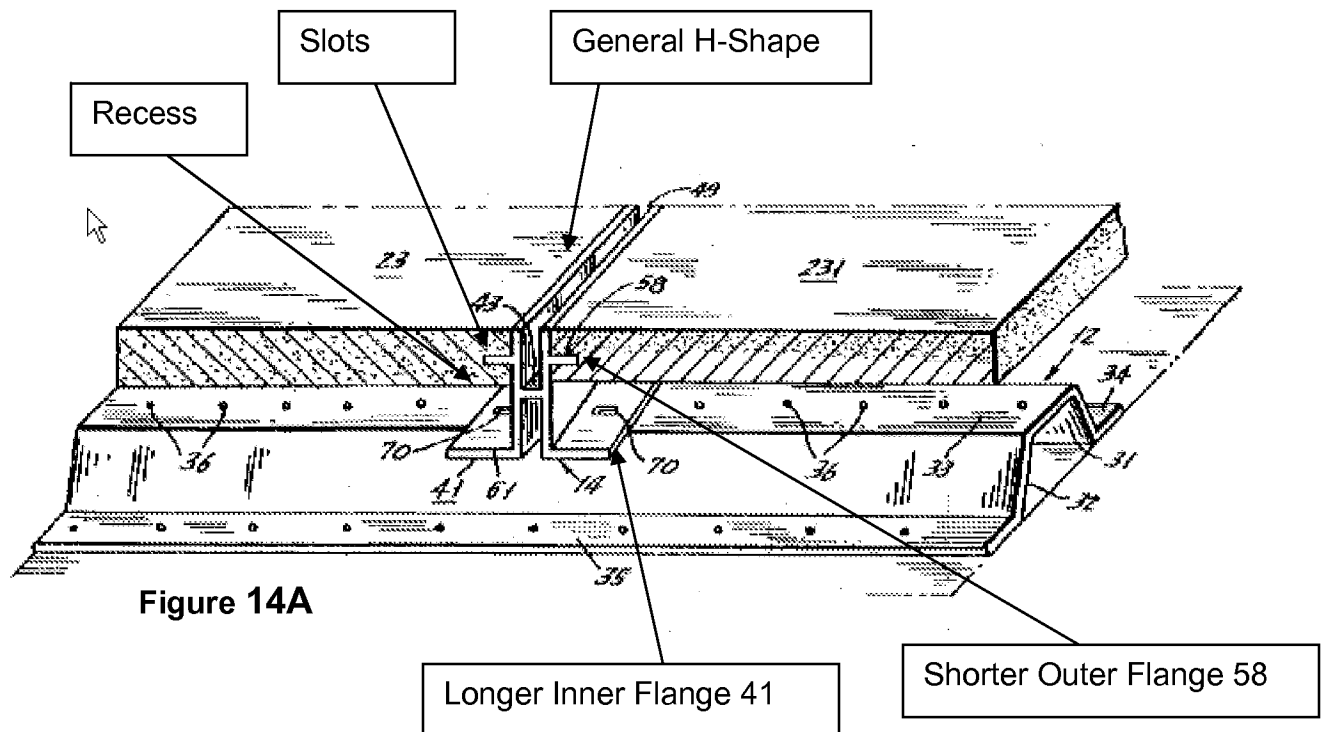
Bartlett et al discloses a panel wall assembly (abstract), whereby the panel edges are protected by a sealant or gasket (col. 3, lines 38-39).

Therefore from the teaching of Bartlett et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of Paz et al to include a sealing means in the



Art Unit: 4165

form of a sealant or gasket as taught by Bartlett et al in order to protect the panel edges from the weather (col. 3, lines 38-39).



10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paz et al (U.S. Patent No. 6,430,883) in view of Bartlett et al (U.S. Patent No. 4,506,484) and further in view of Milligan et al (U.S. Pub. No. 2005/0097841).

The Paz et al and Bartlett et al combination fails to disclose the sealing means is a beading sealant.

Milligan et al discloses a method of fitting a panel in an opening in a framed wall structure (abstract) whereby the frame includes a channel which receives a glazing bead seal to provide a seal between the panel and the frame (paragraph 13, lines 10-12).

Therefore from the teaching of Milligan et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the sealing means of the Paz et al and Bartlett et al combination with a bead seal as taught by Milligan et al in order to provide a seal between the panel and the frame (paragraph 13, lines 11-12).

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paz et al (U.S. Patent No. 6,430,883) in view of Bartlett et al (U.S. Patent No. 4,506,484) and further in view of Treister et al (U.S. Patent No. 6,170,214).

As per claim 2, the Paz et al and Bartlett et al combination fails to disclose the support member is an aluminum extrusion. Paz et al further discloses the channels and support members may be made of metal (col. 7, lines 15-16).

Treister et al discloses a panel cladding system of a building structure (abstract) whereby the retaining elements are preferably formed of an extruded metal, such as aluminum (col. 10, lines 13-15).

Therefore from the teaching of Treister et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of the Paz et al and Bartlett et al combination such that the support members are constructed of extruded aluminum as taught by Treister et al in order to minimize the weight and provide strength to the structure (col. 10, lines 10-12).

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paz et al (U.S. Patent No. 6,430,883) in view of Bartlett et al (U.S. Patent No. 4,506,484) and further in view of Turner (UK Patent No. 2,223,787).

The Paz et al and Bartlett et al combination fails to disclose the elongate gasket includes longitudinally extending rib means and a longitudinally extending end portion such that on assembly when the outer flange is received in the slot along the edge of the cladding panel, the rib means resiliently engages the inner surface of the cladding panels and the longitudinally extending end portion resiliently engages the inner edge of the cladding panel adjacent the slot.

Turner discloses a gasket for forming a seal between a frame and a window pane comprising a strip-like sealing portion and a ribbed portion (abstract) whereby the strip-like sealing portion is adapted to engage with a frame and a surface enclosed by said frame (page 2, lines 14-16) and the ribbed portion engages a window panel surface (figure 2).

Therefore from the teaching of Turner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the sealing means in the Paz et al and Bartlett et al combination with the ribbed gasket as taught by Turner in order to create a watertight seal (page 2, line 1).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paz et al (U.S. Patent No. 6,430,883) in view of Bartlett et al (U.S. Patent No. 4,506,484) and further in view of Forrest (U.S. Patent No. 3,363,381).

The Paz et al and Bartlett et al combination fails to disclose a second elongate support member wherein the distance between the outer surfaces of the flanges of the second elongate support member is less than the distance between the outer surfaces of the flanges of the first elongate support member such that when the first elongate support members orthogonally abut with the outer surface of the longer inner flange of the second elongate support member resting on the inner surface of the longer inner flange of the first elongate surface member, the outer surfaces of the shorter outer flanges are substantially coplanar.

Forrest discloses a modular panel apparatus including means for joining adjacent panels together in edge to edge relationship (col. 1, lines 12-14) whereby the flanged part 42 is recessed as at 44, from the bottom surface 24 by a distance at least equal to the thickness of the flanged part 40 whereby the flanged parts 40, 42 may overlap and engage each other with the bottom surfaces of each panel being substantially in the same plane (col. 2, lines 45-50; figure 1).

Therefore from the teaching of Forrest, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wall panel system with the panel support members of the Paz et al and Bartlett et al combination to include adjacent panel support members with height adjustments as taught by Forrest so that when the panels overlap, they may remain on the same plane (col. 2, lines 49-50).

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pub. No. 2004/0010998, which discloses a building panel assembly with similar components. U.S. Patent No. 6,993,875, which discloses building panel assembly with slotted panels attached thereto. U.S. Patent No. 3,729,883, which discloses building panel assembly with slotted panels attached thereto and comprises longer and shorter panel attaching members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571)272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Application/Control Number: 10/589,121

Page 13

Art Unit: 4165

Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4165